

DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER
COMMISSIONER REDFORD
COMMISSIONER SMITH
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL**

**FROM: KARL KLEIN
DEPUTY ATTORNEY GENERAL**

DATE: FEBRUARY 28, 2013

**SUBJECT: NEW HORIZON COMMUNICATIONS CORP.'S CPCN APPLICATION
CASE NO. NHC-T-12-01**

On September 28, 2012, New Horizons Communications Corp. (the “Company”) applied to the Commission for a Certificate of Public Convenience and Necessity (CPCN) authorizing it to provide resold and facilities-based local exchange telecommunications services in Idaho.¹

According to the Application, the Company is a Delaware corporation with principal offices in Lexington, Massachusetts. The Company has no Idaho offices, but it has a registered agent in Idaho. The Application lists the Company’s officers and directors and provides an address at which they can be reached. The Application indicates that the Company does not own or control any subsidiaries. The Application also says that no corporation, association, or organization holds a 5% or greater ownership or managerial interest in the Company. *See* Application at 1-3 and Exhibits 1 and 2.

The Company intends initially to offer resold local exchange services and buy unbundled network elements provided by existing local exchange carriers (“LECs”) CenturyTel North and CenturyTel South. *Id.* at 3. The Company says it has authority to provide interexchange telecommunications services, and that it intends to provide all forms of intrastate local exchange telecommunications services. *Id.* at 3-4. The Company says it has no plans to

¹ The Application attaches Exhibit Nos.: 1) Certificate of Incorporation, 2) Certificate of Authority to Transact Business in Idaho, 3) Financial Information, 4) Service Area Map, and 5) an Illustrative Tariff. On January 23, 2013, the Company replaced Exhibit No. 5 with a new tariff. On February 11, 2013, the Company replaced page 3 of the Application, and also filed new pages 29 and 33 to the replacement tariff. This memorandum refers to these documents collectively as the “Application.”

install facilities in Idaho, but that it may do so in the future. *Id.* at 3. If it does, it likely would provide voice and high-speed data services through a combination of switching and transport media. The switching system would include a central processing and control complex that can interconnect as a peer to both incumbent and competitive LECs. *Id.* at 4. The switch's hub would interconnect with the public switched network on Signaling System 7 or Feature Group D facilities. The system's remote module capability would allow the Company to serve properties and exchange signaling, control and calling/caller information to the network per network standards and specifications. The Company also would deliver these services using a combination of delivery mechanisms through incumbent LECs' unbundled loop network, copper and fiber and transport networks, and via Company-constructed facilities. *Id.*

The Company proposes to serve areas that are served by incumbent LECs that are ineligible for a small or rural carrier exemption. *Id.* at 4. The Company's Application includes a map of the Company's proposed territory. *Id.* at 5, Exhibit 4.

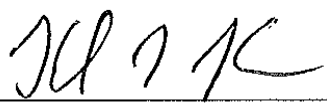
The Company says it has initiated interconnection negotiations with Qwest. *Id.* at 6. The Company says it will file its proposed tariff and begin providing service once it has finalized its interconnection agreements and received its CPCN. *Id.* at 5. The Company says it has reviewed and will comply with all Commission rules. *Id.* at 3.

STAFF RECOMMENDATION

Staff recommends that the Commission process the Company's Application under Modified Procedure with a 21-day comment period.

COMMISSION DECISION

Does the Commission wish to process the Company's Application under Modified Procedure with a 21-day comment period?



Karl Klein
Deputy Attorney General

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